

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

ANDRESA ELSIE MONSON

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Case No. 4:11cr236
(Judge Schell)

REPORT AND RECOMMENDATION **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on June 10, 2013, to determine whether Defendant violated her supervised release.

On March 10, 2011, Defendant was sentenced by the Honorable James H. Payne to twelve months and one day of imprisonment followed by three (3) years of supervised release for the offense of Conspiracy to Commit Fraud in Connection with Access Devices. On December 1, 2011, this case was transferred to this Court and assigned the Honorable Richard A. Schell. On April 17, 2012, Defendant's term of supervised release was revoked and she was sentenced to eight (8) months' custody followed by twenty-eight (28) months of supervised release. On October 2, 2012, Defendant completed her period of imprisonment and began service of her new supervised term.

On December 13, 2012, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated various standard and special conditions. Violation allegations one, two, three, and six were dismissed by the Government. The petition also alleged violation of the following additional special conditions: (1) the defendant shall participate in a program approved by the U.S. Probation Office for treatment of narcotic addition, drug dependency, or alcohol dependency, which will include testing to determine if she has

reverted to the use of drugs or alcohol. If it is determined by the probation officer that the defendant is in need of a residential drug/alcohol treatment program, she shall participate in such treatment as directed by the probation officer and remain in the treatment facility until successfully discharged; and (2) under the guidance and direction of the U.S. Probation Office, the defendant shall participate in any combination of psychiatric, psychological, or mental health treatment as deemed appropriate by the treatment provider.

The petition alleges that Defendant committed the following acts with regard to the remaining violations: (1) Defendant failed to participate in drug aftercare as evidenced by her failure to report for random drug testing at Pillar Mental Health Systems in Plano, Texas on October 8, October 12, October 16, October 25, and October 29, November 5, November 10, November 14, November 20, November 26, and November 29, 2012, as instructed; and (2) following the completion of a mental health assessment on October 18, 2012, Defendant failed to participate in mental health counseling at Pillar Mental Health Systems in Plano, Texas, for the months of October and November 2012.

Prior to the Government putting on its case, Defendant entered a plea of true to the remaining violations.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of nine (9) months with no supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, Carswell Unit. Defendant's obligation to pay her restitution and special assessment will continue.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 10th day of June, 2013.


AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE